

Summary of Dolphin Wahoo Amendment 10 and potential items for a future amendment

South Atlantic Fishery Management Council
Dolphin Wahoo Committee
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Kitty Hawk, NC

Background

In March 2016, the Council directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment (Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44) to examine different ways to reallocate or share quota between the commercial and recreational sectors for dolphin and yellowtail snapper. One of the major driving events for this amendment occurred in 2015 when the commercial sector met the sector annual catch limit (ACL) for dolphin and closed on June 30, 2015 for the remainder of the calendar year. In the same year, the recreational sector harvested a little over half of the recreational sector ACL, resulting in approximately 6.7 million pounds whole weight (lbs ww) of the total ACL for dolphin going unharvested.

Of note since the 2015 in-season commercial closure for dolphin is Dolphin Wahoo Amendment 8 that went into effect on February 22, 2016 and increased the commercial sector allocation for dolphin from 7.54% to 10% of the total ACL, which changed the commercial ACL from 1,1,157,001 lbs ww to 1,5343,485 lb ww. On January 30, 2017, Dolphin Wahoo Framework Amendment 1 went into effect that established a 4,000 lbs ww commercial trip limit for dolphin once 75% of the commercial sector ACL is reached, with the intention of avoiding an in-season closure for the commercial dolphin fishery. Since 2016, neither the commercial or the recreational sector has harvested their respective ACLs.

The Council eventually split Dolphin Wahoo Amendment 10 from Snapper Grouper Amendment 44 and continued to develop the amendment. Actions were added that would revise the ABC Control Rule to allow a carry-over of unharvested ACL from one fishing year to the next and eliminate the operator card requirement in the Dolphin Wahoo Fishery Management Plan (FMP). Actions were also added that would re-examine the definition of optimum yield in the fishery with a focus on potentially using annual catch targets. Additionally, an action was added to re-examine allowable gears in the fishery to accommodate a request from New England lobster fishermen that the Council modify regulations to allow the harvest of dolphin and wahoo while in possession of lobster pots. At the March 2017 meeting, in response to anticipated major revisions to recreational data provided by the Marine Recreational Information Program (MRIP), the Council decided to stop work on the amendment until the revised recreational data were available.

Actions in Dolphin Wahoo Amendment 10 as of March 2017

The following is a list of actions included in Dolphin Wahoo Amendment 10 per guidance from the March 2017 Council meeting, which was the last meeting that the Council formally

reviewed the amendment. The alternatives and a summary of the guidance provided by the Council is included in **Appendix 1**.

- **Action 1.** Revise the optimum yield (OY) definition for dolphin.
- **Action 2.** Modify the recreational annual catch target (ACT) for dolphin.
- **Action 3.** Establish a commercial annual catch target (ACT) for dolphin.
- **Action 4.** Allow adaptive management of sector annual catch limits (ACLs) for dolphin.
- **Action 5.** Revise the accountability measures for dolphin.
- **Action 6.** Revise the acceptable biological catch (ABC) control rule for dolphin and wahoo.
 - Note: This action is being pursued via Dolphin Wahoo Amendment 11, which is part of the generic ABC Control Rule Amendment.
- **Action 7.** Allow properly permitted vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo.
- **Action 8.** Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery.

Items to potentially be considered in a future Dolphin Wahoo FMP amendment

When initially developing Dolphin Wahoo Amendment 10, the Committee also identified several other management topics that some committee members wanted to consider. In June 2016, the decision was made to pursue items directly related to allowing flexibility in the management of sector ACLs through Amendment 10, while making a list of other topics to potentially consider in a future amendment to the Dolphin Wahoo FMP. In doing so, the Committee compiled the following list of items:

- For-hire bag limit sales of dolphin by dually permitted vessels
- Modification of the Purpose and Need for the Dolphin/Wahoo FMP to allow for a directed commercial fishery for dolphin
- Make the commercial Atlantic Dolphin Wahoo Permit limited entry
- Make the for-hire Dolphin Wahoo Permit limited entry
 - Note: This was considered but not pursued per guidance from the December 2016 Council meeting.
- Institute a circle hook requirement for the dolphin fishery (clarify if just for longline or all commercial)
- Change the fishing year start date to better accommodate the growth the New England fishery
- Consider using an ACT to monitor the recreational fishery (as opposed modifying the ACL or OY)
- Remove the operator card requirement for Dolphin Wahoo permitted charter vessels
 - Note: Added to Amendment 10 per guidance from the December 2016 Council meeting
- Consider complementing HMS requirements in the directed dolphin longline fishery

In addition to the list compiled by the Committee, the following item that has come up in public comment and from the Dolphin Wahoo Advisory Panel (AP):

- Reducing the recreational vessel limit to 40 fish immediately (from public comment) or when the recreational ACT has been met (DW AP recommendation)

Committee action

With revised recreational data now available from MRIP, the Committee is being asked to provide guidance on how to move forward with Dolphin Wahoo Amendment 10. Does the Committee want staff to return to working on the amendment and if so what would be the preferred timing? Also the Committee has discussed other items that could be addressed in the Dolphin Wahoo fishery. Does the Committee want to add any of these items to Amendment 10?

While not an exhaustive list of options, the Committee could:

- **DIRECT STAFF TO BEGIN WORKING ON DOLPHIN WAHOO AMENDMENT 10**
 - The Committee could provide guidance on which items to include in the amendment
 - All actions from the amendment?
 - Some actions from the amendment?
 - Additional items that the Committee would like to add to the amendment?
 - The Committee could provide guidance on the preferred timing to see a revised amendment document
 - The next Council meeting?
 - Other future Council meeting?
- **DO NOT DIRECT STAFF TO BEGIN WORKING ON DOLPHIN WAHOO AMENDMENT 10**
- **OTHER?**

Appendix 1. Dolphin Wahoo Amendment 10 Actions and Alternatives per guidance from the March 2017 Council meeting

Action 1. Revise the optimum yield (OY) definition for dolphin.

Alternative 1 (No Action). OY is equal to the total ACL.

Alternative 2. OY is equal to the sum of the commercial ACL and the recreational ACT.

Alternative 3. OY is equal to 75% MSY.

Alternative 4. OY is the long-term average catch, which is not to exceed the total ACL, and will fall between the total ACL and the sum of the commercial and recreational ACTs.

Action 2. Modify the recreational annual catch target (ACT) for dolphin.

Alternative 1 (No Action). The ACT for the recreational sector equals [sector ACL*(1-PSE)] or [ACL*0.5], whichever is greater.

Alternative 2. The recreational ACT equals 50% of the recreational ACL [recreational ACL*0.5].

Alternative 3. The recreational ACT equals 60% of the recreational ACL [recreational ACL*0.6].

Alternative 4. The recreational ACT equals 70% of the recreational ACL [recreational ACL*0.7].

Action 3. Establish a commercial annual catch target (ACT) for dolphin.

Alternative 1 (No Action). There is no ACT for the commercial sector.

Alternative 2. The commercial ACT equals 80% of the commercial ACL [commercial ACL*0.8].

Alternative 3. The commercial ACT equals 90% of the commercial ACL [commercial ACL*0.9].

Alternative 4. The commercial ACT equals the commercial ACL.

Action 4: Allow adaptive management of sector annual catch limits (ACLs) for dolphin.

Alternative 1 (No Action). The current allocation for the recreational sector for dolphin is 90% of the total ACL. The current allocation for the commercial sector for dolphin is 10% of the total ACL.

Alternative 2. Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

Sub-alternative 2a: 1% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

Sub-alternative 2b: 2.5% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

Sub-alternative 2c: 5% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

Sub-alternative 2d: 10% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

Alternative 3. If the commercial ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage (Sub-alternatives 3a-3c) of the commercial sector ACL.

Sub-alternative 3a: The carried forward balance shall not exceed 5% of the total commercial sector ACL.

Sub-alternative 3b: The carried forward balance shall not exceed 10% of the total commercial sector ACL.

Sub-alternative 3c: The carried forward balance shall not exceed 20% of the total commercial sector ACL.

Alternative 4. If the recreational ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage (Sub-alternatives 4a-4c) of the recreational sector ACL.

Sub-alternative 4a: The carried forward balance shall not exceed 1% of the total recreational sector ACL.

Sub-alternative 4b: The carried forward balance shall not exceed 2.5% of the total recreational sector ACL.

Sub-alternative 4c: The carried forward balance shall not exceed 5% of the total recreational sector ACL.

Alternative 5: Conditionally transfer for the next fishing year a certain percentage (Sub-alternatives 5a-5d) of the ACL from a sector that is not landing its ACL to the other sector that is landing at least 90% of its ACL, if the landings of the donating sector are below the minimum landings threshold (Sub-alternatives 5e-5g). The highest landings from the donating sector, based on available finalized data from the five years prior, will be used as criteria to determine if landings are below the minimum landings threshold for a conditional transfer to occur.

Conditional Quota Transfer (MUST CHOOSE ONE):

Sub-alternative 5a: Conditionally transfer 1% of the unadjusted ACL of one sector to the other sector.

Sub-alternative 5b: Conditionally transfer 2.5% of the unadjusted ACL of one sector to the other sector.

Sub-alternative 5c: Conditionally transfer 5% of the unadjusted ACL of one sector to the other sector.

Sub-alternative 5d: Conditionally transfer 10% of the unadjusted ACL of one sector to the other sector.

Donating sector's ACL Minimum Threshold (MUST CHOOSE ONE), if the donating sector's landings are:

Sub-alternative 5e: less than 50% of its unadjusted ACL.

Sub-alternative 5f: less than 65% of its unadjusted ACL.

Sub-alternative 5g: less than 75% of its unadjusted ACL.

Direction to staff: In Action 4, direct the IPT to examine ways of merging Alternative 3 and Alternative 5, where Alternative 3 would take place initially and Alternative 5 would occur afterwards if needed. As discussed in full Council, Alternative 5 may not be applicable to the dolphin fishery due to the pulse nature of the fishery. Note: Council may remove Alternative 5 at a future date.

Action 5. Revise the accountability measures for dolphin.

Alternative 1 (No action). The current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. If the commercial ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The current recreational AM includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Alternative 2. The commercial AM will include an in-season closure to take place if the commercial ACL and the available common pool ACL is met or projected to be met. If the commercial ACL and the available common pool ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available common pool ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Alternative 3. The commercial AM will include an in-season closure to take place if the commercial ACL and the available uncaught sector ACL from the previous fishing year is met or projected to be met. If the commercial ACL and the available uncaught sector ACL from the previous fishing year is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

Alternative 4. The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available uncaught sector ACL from the previous fishing year is exceeded, but only after recreational landings have been monitored

for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Direction to staff: In Action 5 Alternative 4 and Alternative 5, further specify what is being referenced by “available uncaught sector ACL”.

Action 6. Revise the acceptable biological catch (ABC) control rule for dolphin and wahoo.

Alternative 1 (No Action). Retain the ABC Control Rule for dolphin and wahoo. ABC is equal to the third highest point in landings in the 1999-2008 time series.

Level 1 – Assessed Stocks	
Tier	Tier Classification and Methodology to Compute ABC
1. Assessment Information (10%)	<ol style="list-style-type: none"> 1. Quantitative assessment provides estimates of exploitation and biomass; includes MSY-derived benchmarks. (0%) 2. Reliable measures of exploitation or biomass; no MSY benchmarks, proxy reference points. (2.5%) 3. Relative measures of exploitation or biomass, absolute measures of status unavailable. Proxy reference points. (5%) 4. Reliable catch history. (7.5%) 5. Scarce or unreliable catch records. (10%)
2. Uncertainty Characterization (10%)	<ol style="list-style-type: none"> 1. Complete. Key Determinant – uncertainty in both assessment inputs and environmental conditions are included. (0%) 2. High. Key Determinant – reflects more than just uncertainty in future recruitment. (2.5%) 3. Medium. Uncertainties are addressed via statistical techniques and sensitivities, but full uncertainty is not carried forward in projections. (5%) 4. Low. Distributions of F_{MSY} and MSY are lacking. (7.5%) 5. None. Only single point estimates; no sensitivities or uncertainty evaluations. (10%)
3. Stock Status (10%)	<ol style="list-style-type: none"> 1. Neither overfished nor overfishing. Stock is at high biomass and low exploitation relative to benchmark values. (0%) 2. Neither overfished nor overfishing. Stock may be in close proximity to benchmark values. (2.5%) 3. Stock is either overfished or overfishing. (5%) 4. Stock is both overfished and overfishing. (7.5%) 5. Either status criterion is unknown. (10%)
4. Productivity and Susceptibility – Risk Analysis (10%)	<ol style="list-style-type: none"> 1. Low risk. High productivity, low vulnerability, low susceptibility. (0%) 2. Medium risk. Moderate productivity, moderate vulnerability, moderate susceptibility. (5%)

	3. High risk. Low productivity, high vulnerability, high susceptibility. (10%)
Level 2 - Unassessed Stocks. Reliable landings and life history information available	
OFL derived from "Depletion-Based Stock Reduction Analysis" (DBSRA). ABC derived from applying the assessed stocks rule to determine adjustment factor if possible, or from expert judgment if not possible.	
Level 3 - Unassessed Stocks. Inadequate data to support DBSRA	
ABC derived directly, from "Depletion-Corrected Average Catch" (DCAC). Done when only a limited number of years of catch data for a fishery are available. Requires a higher level of "informed expert judgment" than Level 2.	
Level 4 - Unassessed Stocks. Inadequate data to support DCAC or DBSRA	
OFL and ABC derived on a case-by-case basis. ORCS ad hoc group is currently working on what to do when not enough data exist to perform DCAC.	

Note: it is assumed that level 5 of the ABC control rule is not part of DW since ORCS were not incorporated for the two species. As such, level 5 was left out.

Alternative 2. Revise the Acceptable Biological Catch (ABC) Control Rule for dolphin and wahoo by adding a carry-over provision. If the Overfishing Limit (OFL) is known, then the Acceptable Biological Catch (ABC) for dolphin and wahoo can be increased by carrying over unused ABC from the previous year. The revised ABC will remain in place for no more than one year and may not exceed a certain percentage of the OFL (Sub-alternatives 2a through 2c).

Sub-alternative 2a: Revised ABC may not exceed 95% of the OFL.

Sub-alternative 2b: Revised ABC may not exceed 90% of the OFL.

Sub-alternative 2c: Revised ABC may not exceed 85% of the OFL.

Alternative 3. Revise the Acceptable Biological Catch (ABC) Control Rule for dolphin and wahoo by adding a carry-over provision. If the Overfishing Limit (OFL) is unknown, then the Acceptable Biological Catch (ABC) for dolphin and wahoo can be increased by carrying over unused ABC from the previous year. The revised ABC will remain in place for no more than one year and may not exceed a certain percentage of the original ABC (Sub-alternatives 3a through 3c).

Sub-alternative 3a: Revised ABC may not exceed X% of the original ABC.

Sub-alternative 3b: Revised ABC may not exceed X% of the original ABC.

Sub-alternative 3c: Revised ABC may not exceed X% of the original ABC.

Note: For the sub-alternatives of Alt. 3, need to accommodate potential rollover of uncaught recreational ACL as well.

Action 7. Allow properly permitted vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo.

Alternative 1 (No Action). The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a

vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

Alternative 2. The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A vessel in the Atlantic EEZ that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and valid Federal commercial American lobster permit endorsed for trap fishing only is authorized to target dolphin /wahoo with rod and reel while fishing for lobsters. A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

Alternative 3. Allow the possession of dolphin or wahoo on properly permitted vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed a certain percentage of the total commercially harvested species onboard by weight.

Alternative 4. Allow the possession of dolphin or wahoo on properly permitted vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed the incidental limit (*note: need sub-alts for incidental limit*).

Direction to staff: In Action 7, add a geographic component to the alternatives. Also work with FWC staff to incorporate language that would allow other pot and trap gear to be onboard a vessel possessing dolphin or wahoo. Use the wording of “incidental limit” instead of “recreational limit”, similar to wording in CMP 26.

Action 8. Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery.

Alternative 1 (No Action). An Atlantic Charter/Headboat for Dolphin/Wahoo Permit or an Atlantic Dolphin/Wahoo Commercial Permit is not valid unless the vessel operator or a crewmember holds a valid Operator Card issued by either the Southeast Regional Office or by the Greater Atlantic Regional Fisheries Office.

Alternative 2. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid.

Alternative 3. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Dolphin/Wahoo Commercial Permit to be valid.